

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
No. 3:25-cv-128-FDW-SCR**

SAKOYA THOMAS and SHAMITA
THOMAS,

Plaintiffs

v.

CITY OF CHARLOTTE, et al.,

Defendants.

**CITY OF CHARLOTTE AND
CHARLOTTE-MECKLENBURG
POLICE DEPARTMENT'S
MOTION FOR EXTENSION OF TIME
TO RESPOND TO COMPLAINT**

Defendants City of Charlotte (the “City”), and Charlotte-Mecklenburg Police Department (“CMPD”) (collectively “the City/CMPD”) through undersigned counsel, move the Court for an extension of time allowing the City/CMPD until March 11, 2025, to respond to Plaintiff’s Complaint. In support of this motion, the City/CMPD states the following:

1. The Complaint in this matter was filed on January 9, 2025, in the General Court of Justice, Superior Court Division, Mecklenburg County, North Carolina, Case No. 25CV001196-590 (“State Court Action”). [DE 1, Ex. A]

2. The Complaint names as defendants the City, the Charlotte-Mecklenburg Police Department, and a Charlotte-Mecklenburg Police Department (CMPD) officer, Chris Grant (Officer Grant). The Complaint also names as defendants the Charlotte-Mecklenburg Board of Education and two of its employees, Angela McKenzie and Sharon Bracey. [DE 1, Ex. A]

3. A copy of the Summons and Complaint was received at the City of Charlotte on January 30, 2025 and at the Charlotte-Mecklenburg Police Department on January 31, 2025.

Counsel for Officer Grant accepted service of the Summons and Complaint on his behalf on February 18, 2025. [DE 1].

4. Angela McKenzie was served on February 2, 2024. Upon information and belief, the remaining defendants have not been served. [DE 1].

5. On February 19, 2025, Defendant Officer Grant filed a Notice of Removal [DE 1] in this action, with the consent of all Defendants, removing the State Court Action to this Court.

6. The City/CMPD intends to coordinate, through outside counsel, the defense of any named current or former CMPD officer who is served in this action.

7. As Officer Grant was served on February 18, 2025 [DE 1], upon information and belief, his response is due March 11, 2025.

8. Judicial economy warrants that all of the defendants' responses, to the extent possible, be due on the same date.

9. The City/CMPD's ongoing effort to coordinate with other named defendants would benefit from additional time.

10. In addition, the City/CMPD needs additional time to investigate and respond to portions of the detailed allegations and claims in the twenty-three (23) page Complaint. The City/CMPD is also evaluating service of the Complaint. To the extent a responsive pleading is due, time has not yet expired and additional time is needed for preparation of said response.

11. Additionally, undersigned counsel has competing deadlines and other case responsibilities, which are compounded by a significant staffing shortage within counsel's office. Undersigned counsel has very recently assumed responsibility for this case and others, due to the unexpected departure of the City's Lead Litigation counsel at week's end. Undersigned counsel's deadlines and commitments include an appellate brief due at the North Carolina Court of Appeals,

a summary judgment brief due in superior court, preparation for hearings on multiple petitions for writ of certiorari in superior court, and other professional obligations which render the current deadline burdensome for the City/CMPD and its counsel.

12. This motion is brought for good cause and not for purposes of delay.

13. The undersigned counsel has attempted consultation with counsel for Plaintiff—by both phone and email—about the relief requested in this motion, but has not received a response as to Plaintiff's position as of the time of filing the motion.

14. In filing this motion, the City/CMPD does not waive any defenses that may be available to them.

The City/CMPD therefore respectfully request that the Court grant a fifteen (15) day extension of time, until March 11, 2025, to respond to the Complaint.

This the 24th day of February, 2025.

OFFICE OF THE CITY ATTORNEY

s/ Jill Sanchez-Myers

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*Attorney for Defendants City of Charlotte and
Charlotte-Mecklenburg Police Department*

CERTIFICATE OF SERVICE

The certifies that the foregoing **MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT** was filed with the Court's electronic-filing system, and served on all counsel of record as follows:

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Counsel for Charlotte-Mecklenburg Board of Education, Sharon Bracy and Angela Mckenzie

This the 24th day of February, 2025.

OFFICE OF THE CITY ATTORNEY

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